

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BRIAN ERRINGTON and ANGEL	:	
ERRINGTON,	:	
Plaintiffs,	:	
	:	
v.	:	No. 5:24-cv-3009
	:	
CITY OF READING d/b/a READING	:	
POLICE DEPARTMENT,	:	
JAVIER RUIZ, LUZ SHADE, CHRISTIAN:	:	
ROTHERMAL, and AARON DEMKO,	:	
Defendants.	:	

ORDER

AND NOW, this 15th day of January, 2025, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion to Dismiss, ECF No. 11, is **GRANTED**;
2. Count Four of Plaintiffs' Amended Complaint, as pled against Defendant Ruiz in his official capacity as Police Chief for Reading Police Department, is **DISMISSED WITH PREJUDICE** for failure to state a claim;
3. Count Four of Plaintiffs' Amended Complaint, as pled against all remaining defendants, is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim;
4. Count Five of Plaintiffs' Amended Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim;
5. **Within twenty days of the date of this Order**, Plaintiffs may file a second amended complaint, amending its claims of First Amendment retaliation and Due Process violations, only, subject to the limitations outlined in the Opinion issued

this date. If Plaintiffs fail to timely file an amended complaint, all remaining claims will be dismissed with prejudice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge